

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GUILLERMO RAMON BARBA-MARTIN,

Defendant.

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8:07PO4

ORDER

This matter is before the court on the joint motion to continue by defendant Guillermo Ramon Barba-Martin (Barba-Martin) and the government (Filing No. 11). The motion seeks a continuance of the trial of this matter which is scheduled for September 12, 2007. Barba-Martin has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. The joint motion to continue trial (Filing No. 11) is granted.
2. Trial of this matter is re-scheduled to commence at 1:30 p.m. on **October 10, 2007**, before the undersigned magistrate judge in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 28, 2007 and October 10, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 28th day of August, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge